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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/926,008	09/09/97	FUJIWARA T	503-55636X00

020457 LM02/0614  
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EXAMINER  
SWARTHOUT, B

ART UNIT	PAPER NUMBER
2735	

DATE MAILED: 06/14/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

926,008

Applicant(s)

Fujiwara et al.

Examiner

Swarthout

Group Art Unit

2736

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 4-29-99
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-48 is/are pending in the application.
- Of the above claim(s) 5-48 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-4 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The proposed drawing correction, filed on 1-26-98 is ☒ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of References Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

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1. Claims 5-29 and 30-48 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention, the requirement having been traversed in Paper No. 10.

Claims 30-48 were added by amendment in the response to the restriction requirement, but such are not linking claims since they do not contain limitations directed to use of both dynamic and static information such as set forth in group I, or limitations pertaining to receiving data from network servers as set forth in group III. Changing preamble language from an "information" display system to a "navigation" display system does not link the inventions for examination purposes.

2. Applicant's election with traverse of the invention elected in Paper No. 10 is acknowledged. The traversal is on the ground(s) that linking claims now require examination of claims 30-48; that two-way distinctness has not been shown; and that separate classification, status in the art or different search fields are established. This is not found persuasive because a) newly added claims 30-48 are not linking claims, for the reasons as set forth in paragraph No. 1 above; b) the restriction mailed 3-2-99 correctly pointed out two-way distinctness, namely Groups II and III would not have required use of both dynamic and static

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information as required for Group I<sup>, and Group I<sub>A</sub></sup> would not have required retrieval range or icon setting as would Group II, or server connections as required by Group III; c) the groups at a minimum have acquired a separate status in the art because of their divergent subject matter. Although groups I and II have the same classification, a search of static and dynamic information would not have necessarily coincided with a search for claims directed to retrieval range or icon setting limitations. Although applicant claims there would be no undue burden, in fact having to search for multiple different inventions in class 340, subclass 995, would have also required search of at a minimum class 340, subclass 990 and class 701, subclass 208, with a total of over 1100 U.S. patents, in addition to hundreds of foreign documents which would have presented undue burden.

The requirement is still deemed proper and is therefore made FINAL.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Furuya.

Furuya discloses a navigation display system for specifying a location on a map comprising: map domain setting means (abstract) for selecting a particular type of map display mode, map display 106, retrieval condition setting means (Fig. 7) for retrieving a particular icon when the specific condition is met, individual information receiving means 4 including dynamic part such as changing traffic information, memory 104 for storing static information such as places (col. 3, lines 64-68), information analyses means 105 a, d for outputting combined static and dynamic information (Fig. 8), and display means 106.

Regarding claims 2-4, Furuya teaches establishment of static and dynamic icons (Fig. 7, Fig. 8), including car position (Fig. 8).

3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4 "said special location" has no antecedent basis.

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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bouve, Maruyama and Kakiyara disclose vehicle navigation display systems.

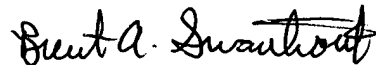
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent Swarthout whose telephone number is (703) 305-4383. The examiner can normally be reached on Monday-Friday from 6:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6743.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8576.

BS/ayc

June 3, 1999



**BRENT A. SWARTHOUT  
PRIMARY EXAMINER**